

APPROVED: Meeting No. 16-92

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 14-92

April 13, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 13, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. There is a correction to the background information for Item 9G on the Consent Agenda. The corrected information has been placed before you.
2. Celebration of the 10th anniversary of the Senior Center will take place on Wednesday, April 15, from 1:00 to 3:00 p.m.
3. On Sunday, April 19, the City will hold its annual Easter Egg Hunt at two locations, the Rockville Senior Center and the Civic Center Mansion at 1:30 p.m.
4. City Hall will be closed on Good Friday, April 17.
5. Next Saturday, April 25, the Rockville Baseball Association will hold its spring opening with ceremonies beginning at 9:00 a.m. at Dogwood Park.

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6. The current issue of Nation's Cities Weekly features a full page article on the City as a family friendly community. This is a follow-up to the oral presentation to the NLC by Councilmember Coyle and myself.

7. Worksessions with Boards and Commissions will be held on April 21 and May 4.

8. The City continues to have a great deal of pride in the Rockville-Montgomery Swim Club which is the largest in the United States, with 1400 members, and has been ranked #2 in the country by USA Today and the American Swimming Coaches Association.

Re: Proclamation declaring the month of April as **FAIR HOUSING MONTH** in Rockville.

Proclamation No. 5-92

By a unanimous vote of the Mayor and Council, the month of April was declared "Fair Housing Month" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Richard Allen, Director of Suburban Maryland Fair Housing, Inc., accepted the Proclamation and commented that his organization is celebrating its 30th anniversary and now has 300 members.

Re: Proclamation declaring the week of April 12-18, 1992, as **BUILDING SAFETY WEEK** in Rockville.

Proclamation No. 6-92

By a unanimous vote of the Mayor and Council, the week of April 12-18, 1992, was declared "Building Safety Week" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Stephen Eckert,

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Vice President of the Suburban Maryland Building Industry, and Linda MacDermid, Chief of Inspection Services for the City of Rockville, accepted the Proclamation.

Re: Citizens Forum

This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

There being no citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Presentation of Annual
Report of Board of Appeals.

Alan Sternstein, Chairperson of the Board of Appeals in 1991, introduced members Karen Lechter and Dennis Kelly, current chairperson, who was appointed to the Board in 1991 to replace Patrick Woodward upon his appointment to the District Court of Maryland.

The Board met 11 times and heard a total of 44 cases which included 28 residential variances, seven commercial variances and nine special exceptions. Of these cases, 33 were approved, five were approved with conditions, two were modified, one was approved in part and three were denied.

The Board thanked the Mayor and Council and staff for the City's legislative efforts which culminated in an amendment to the definition of variance to allow a more appropriate standard of review for variances.

The Board has recommended a few procedural changes. To ensure that building permits issued are consistent with Board imposed conditions, the Board suggests that any application submitted to the City for a building permit, use permit or occupancy permit include a question as to whether the property involved has been the subject of a variance or special exception. If the answer is "yes," staff

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should pull the record to determine whether the application conforms to conditions imposed by the Board.

Another recommendation is a formal notification to applicants from the City indicating that the grant of a variance does not mean that the proposal conforms to the requirements of any restrictive covenants that may apply to the property and that the property owner/applicant should independently check to be sure that the proposal is not in violation of such covenants.

Councilmember Coyle asked if the Board has a process for reviewing past decisions and if neighbors ever come back asking for reconsideration of a decision. The only time this would occur is if the condition of a variance or special exception had not been fulfilled.

In staff's report on the above recommendations, Mayor Duncan requested that information be included as to what type of follow-up occurs to ensure compliance.

The Board was thanked for their excellent work.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Dean Brenneman was appointed to a one-year term as Chairperson of the Historic District Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Edward Shropshire was appointed to a five-year term on the Housing Authority Board of Commissioners.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Barbara Holmes was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed,

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Harold Frohman was appointed to a two-year term on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins abstaining as he was not present at the meeting, the minutes of Meeting No. 12-92 (March 23, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Krasnow requested the removal of Item H from the Consent Agenda and Councilmember Marrinan requested the removal of Item J. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Cancellation of Award of Bid No. 63-92 to JKJ Chevrolet for purchase of two one-ton Crewcab Service Trucks in the amount of \$38,536 and award the purchase of these vehicles to Hill & Sanders Ford in the amount of \$38,137.

Subsequent to this bid award to JKJ Chevrolet, the City was advised of bankruptcy proceedings and pending sale of this corporation. The amount budgeted for this purchase is \$42,250.

- B. Award of Bid No. 87-92 to low bidder, W.B. Maske Sheet Metal Works, Inc. of Bladensburg, Maryland, in the amount of \$52,180 for roof replacements at Redgate Clubhouse and Cart Shed, College Gardens Park Shelter and Gazebo, Monument Park Shelter and Gazebo, Isreal Park Gazebo, Potomac Woods Park Gazebo, Dogwood Park Gazebo and North Farm Shelter.

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Funding in the amount of \$60,000 has been budgeted for this project.

- C. Award of Bid No. 89-92 for Water Valve and Sewer Manhole Adjustment Rings to low bidder, Capitol Foundry of Virginia, Inc. in the amount of \$22,252.50 for the City's annual street resurfacing (smoothseal) contract.

Smoothseal resurfacing always requires the adjustment of structures in the streets. It is more economical for the City to buy the adjustment rings and furnish them to the contractor.

- D. Award of Bid No. 90-92, Video Production Switcher and Automatic Video Editing Control Unit, to the low bidder, AVEC Electronics Corporation, Roanoke, Virginia, for \$23,199.

This equipment replaces and upgrades original cable equipment and will correct intermittent technical problems. Funds for this purchase were included in the City's FY92 budget under the Montgomery County Cable Equipment fund which will reimburse the City.

- E. Award of Bid No. 92-92 to low bidder, Metropolitan Rolling Door, Inc., for a \$12,000 requirements contract for commercial door maintenance for the base year and option years II and III.

The contract provides for maintenance and repair of doors, as needed, at various municipal facilities.

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- F. Award of Bid No. 93-92 to low bidder, Rockville Plumbing and Heating, Inc., for a \$20,000 annual requirements contract for plumbing services for the base year and option years II and III.

The contract provides for plumbing services, as needed, at various municipal facilities.

- G. Award of Bid No. 94-92 to low bidder, Johnson Controls, Inc., for a \$90,000 annual requirements contract for HVAC maintenance for the base year and option years II and III.

The contract provides for heating, ventilation, air conditioning, refrigeration and boiler maintenance, as needed, at various municipal facilities.

- I. Motion to approve special assessment agreement covering public improvements, including, but not limited to, road widening, installation of curbs and gutters, construction of sidewalks, installation of street lights, installation of an eight-inch water main, at a new two-lot subdivision at the corner of Scott Drive and Wescott Place. The owners agree to pay a special assessment for each such improvement to the extent the City finds the property to be specially benefitted, and this action will authorize Mayor Duncan to sign the public improvement agreement on behalf of the City.

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Re: Introduction of Ordinance to amend Section 20-7, entitled "Single-Family Residential Collection," of Chapter 20 of the Rockville City Code.

This amendment will delete several detailed listings of materials and specific directions to be replaced with the published (and annually revised) Refuse Collection and Recycling Services regulations.

Councilmember Krasnow had requested that this item (H) be removed from the agenda to request clarification regarding deletion of rear and side yard refuse collections. The City Manager responded that these pickups will continue. The proposed amendment would merely bring the ordinance into conformance with the City's actual practices with respect to refuse pickup and recycling. The rules and regulations governing refuse and recycling would become the controlling document.

The Ordinance was duly introduced by the Mayor and Council.

Re: Receipt of financial reports summarizing the financial results of City operations for the period from July 1, 1991 through February 29, 1992.

Councilmember Marrinan had requested the removal of this item (J) from the Consent Agenda to request an analysis of the impact on the City of the recently adopted State budget.

Staff provided an explanation as to why the revenues for funds other than general fund are only 42% of the budget as of February 29, with respect to the water, sewer and refuse funds in

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which the billings are quarterly for services previously rendered.

In response to Councilmember Krasnow's inquiry regarding debt service, staff noted that this involves transfers from other funds as the law requires that funds be set aside for payment of bonds from other funds that incur obligations.

Re: Award of a three-year contract to AT&T for providing long-distance service under the State of Maryland Bid No. OTM-VN-9027, Long Distance State Calling Services.

While the City currently utilizes Pro-Watts Maryland and Pro-Watts USA rate structures, the State Calling Service contract should provide an additional 40% to 50% savings. Mayor Duncan stated that he would abstain from discussion and voting in this matter. In response to Councilmember Coyle, staff advised that the savings would amount to approximately \$6,000-\$7,000 per year.

Upon motion of Councilmember Coyle, duly seconded, with Mayor Duncan abstaining, a three-year contract was awarded to AT&T for providing long distance service under the State of Maryland Bid No. OTM-VN-9027, Long Distance State Calling Services.

Re: Introduction of Ordinance to adopt Text Amendment Application T-121-91, Cycle Ventures, Inc., Applicant.

This amendment to the Zoning Ordinance would allow retail sales of bicycles as a permitted use in the C-1, local commercial, zone. It was noted that in view of the non-controversial nature of this application and the City's desire to assist the business owner in this matter, the usual Discussion and Instructions to Staff agenda item was bypassed which would have added three to four weeks in processing this text amendment. Staff has prepared an ordinance for introduction. Mayor

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Duncan commented that we would look at similar situations in the future to reduce the processing time.

The Ordinance was duly introduced.

Re: Adoption of Ordinance to
grant Application to Close
and Abandon Public Way
SCA-64-91, JB &
Company, Applicant.

Ordinance No. 4-92

This application requests abandonment of Mason Drive, an industrial street located on the north side of Southlawn Lane approximately 300 feet east of North Horners Lane. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 4-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant SCA-64-91, to abandon Mason Drive, an industrial street located on the north side of Southlawn Lane approximately 300 feet east of North Horners Lane.

Re: Presentation of City
Manager's budget for Fiscal
Year 1993.

The City Manager expressed appreciation to the entire staff and department heads in the preparation of the FY93 budget. The difficult decisions made by the Mayor and Council in the past have led to the City's current favorable position. Our "hold the line" pattern continues, and there has been only an 11% increase over the past three years. Guidelines were presented to the department heads for the FY93 budget which included: no new positions or programs; no new vehicles (other than replacements) and a 5% reduction in non-personnel and non-capital items. The City Manager provided the following overview of the proposed budget:

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Economic Climate

- o Economic slowdown still evident
- o Some housing projects moving forward
- o Continued over-abundance of office space (3 year supply)
- o Consumer purchasing beginning to revive
- o Low inflation

Program Developments and Progress

- o Master Plan and Economic Development Plan underway and fully funded in FY93
- o Continued annexation opportunities
- o Federal Transit Administration Grant represents a real breakthrough
- o Completion of Police accreditation
- o New affordable housing program - innovative approach
- o Swim Center policies - corporate membership concept; special agreement with Rose Hill Falls development which is purchasing swim center membership for all 200 families.
- o Increase neighborhood focus
- o Receipt of U.S. Conference of Mayors Excellence in Financial Management Award
- o GFOA Distinguished Budget Presentation Award for FY92 budget
- o Recaptured Certificate of Achievement for Excellence in Financial Reporting.

Town Center Issues

- o State grant to improve directional signage
- o Work with existing property owners to identify appropriate redevelopment opportunities

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Comparison of FY92 and FY93 Budgets

- o FY93 proposed General Fund budget of \$30.61 million is 0.4% less than final adopted budget for FY92.
- o FY93 proposed total operating budget of \$49.96 million is 1.1% less than final adopted budget for FY92.
- o FY93 property tax rate of \$.82 per \$100 of assessed valuation is the lowest rate since 1968.

Revenues

- o Property taxes account for more than 55% of the General Fund revenues; intergovernment - 23%

Expenditures

- o 45% - personnel; 26% - operating; miscellaneous categories - 14%; and debt service -15%.

Water, Sewer and Refuse

- o Rate increase in water from \$1.25 to \$1.35 (per 1,000 gallons) - 8% increase due to State mandates and pursuant to Safe Drinking Water Act. Still compares favorably to WSSC which has a FY93 rate of \$2.31 (per 1,000 gallons).
- o Sewer rate will remain at \$2.40 as compared with WSSC's of \$3.30.
- o No change in level of service or rates for refuse despite a 17.1% increase in the tipping fee from Montgomery County which must be absorbed.

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Capital Improvements Program

- o Comprehensive project portfolio which includes:
 - flexible route choices
 - high quality maintenance of existing roads
 - improved intersection safety for pedestrians and vehicles
 - ongoing park improvement program
 - enhanced accessibility to facilities
 - water-sewer mandates
 - expansion of water-sewer capacity
 - Civic Center renovation and grounds enhancement
- o 73 projects proposed for funding
- o 48 carryover projects for FY93
- o \$9.6 million planned new debt over the six years
- o \$3.6 million for sewer and \$4.5 million for water (funded by rates, not taxes)
- o 50% for transportation related projects; 22% for environment, 21% for recreation and 8% for health/safety.

Mr. Romer summarized the proposed budget as follows:

- o Continued dedication to premium service
- o Retains \$.82 tax rate
- o Balanced based on information available at the time regarding State and County funding
- o Commitment to capital investment
- o Represents a clear chart for future service provision

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Staff has been closely following action of the legislature over the past several days, and a number of revenues acted on recently by the legislature are not reflected in the budget. We now have more information and there is still new information unfolding. The State gas tax will increase by five cents; however, this increased revenue will be offset by a reduction in the tax duplication monies from the County. One minor grant program may be reduced by approximately \$10,000.

Depending upon action by the County in increasing the piggyback tax, funds coming to the City could be significant. However, the County Executive is talking about phasing in the effectiveness of the tax. By the time we move into public hearings on the budget, we will have more than adequate information.

Mayor Duncan congratulated the City Manager on an excellent budget and presentation, indicating he deserves a lot of credit for maintaining the refuse rate in view of the tipping fee increase. He is also pleased that we are able to maintain the same tax rate next fiscal year. In terms of State funds, we will get more revenue which would be offset by a decrease in County reimbursements. We will wait and see what action the County takes with respect to the piggyback tax, but he hopes to see a decrease in the City's tax rate to offset the increase in the fire tax and other taxes the County is imposing.

Councilmember Coyle thanked the City Manager for an excellent presentation. He expressed concern regarding water and sewer treatment and asked if there are any other warning signals we should be concerned with. The City Manager responded that he is not aware of any new regulations. Councilmember Coyle was also advised that there are no outstanding programs or services not proposed for funding; however, there are reductions.

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Councilmember Coyle requested that staff review the creation of a part-time position to coordinate volunteer services in the City. With respect to the recent presentation and publicity on Rockville as a "family friendly community," he also requested that items in the budget pertaining to this concept be identified for residents.

Councilmember Robbins was advised that recommendations for next year's pay scale have been factored into the budget.

Re: Introduction of Ordinance to appropriate funds and levy taxes for Fiscal Year 1993. The ordinance sets the operating budget and capital budget for FY93. The proposed property tax rate is 82 cents per \$100 of assessed valuation, which is the current (FY92) property tax rate.

The Ordinance was duly introduced.

Re: Introduction of Ordinance to amend Section 24-46 of the Rockville City Code, entitled "Water Consumption Charge."

The amendment to the ordinance increases the rate from \$1.25 per 1,000 gallons to \$1.35 per 1,000 gallons, effective July 1, 1992.

The Ordinance was duly introduced.

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Re: FYI/Correspondence

Councilmember Marrinan referenced a letter from Don Crawford of Fallsmead Homes Corporation thanking Chief Treschuk for his excellent presentation on neighborhood protection.

Councilmember Krasnow referenced the right-turn on red at Great Falls Road and Maryland Avenue and the letter from the State Highway Administration indicating they are still not willing to change the light because of the school. She has spoken with Mr. Headman, Principal of Julius West Middle School, and he feels he can obtain approval from others at the school to endorse the change. Mayor Duncan requested that staff follow up.

An official request has been received from the Montgomery County Safe Kids Coalition for a donation to assist in providing needy children with bicycle helmets. Maryvale Elementary School has been targeted for a demonstration program. Councilmember Coyle stated that the requested donation of approximately \$900 is a worthwhile investment, and this program could serve as a demonstration for the rest of the schools in the County.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved the contribution of \$904.25 to the Montgomery County Safe Kids Coalition as a contribution for bicycle helmets, said monies to be funded from the Targets of Opportunity account.

Re: New Business

Mayor Duncan noted that he was pleased Chief Treschuk is staying in Rockville. He thanked Chief Treschuk for everything he has done.

As to the affordable housing task force being coordinated with the U.S. Conference of Mayors, Mayor Duncan was advised by the City Manager that information will be provided to the Mayor and Council in the near future.

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A representative of the Kiwanis Club has indicated an interest in holding their annual Chili Cook Off in Courthouse Square this year. He requested that the Recreation and Parks staff coordinate this request with the Kiwanis Club.

Re: Next Meeting

On Tuesday, April 21, worksessions will be held with several of the City's boards and commissions. The budget public hearings will be held on May 5 and May 12.

Re: Adjournment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the meeting was adjourned at 8:45 p.m. to convene again in Worksession on April 21, 1992, or at the call of the Mayor.